

## REMARKS

Claims 1-53 and 55 are pending in the present application. By this Amendment, previously presented claims 21-22, 35 and 47 have been amended; previously presented claim 54 has been cancelled; and new claim 55 has been added. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendment and the following remarks.

### I. Formal Matters:

#### Allowable Subject Matter:

Applicants note with appreciation the indication of allowable subject matter in previously presented claims 3, 11-14, 16-19, 25-28, 30, 36-37, 39, 42 and 52-54. As shown in the present claim set, the subject matter of previously provided claim 54 has been incorporated into independent claim 47.

For at least the reasons given below, Applicants respectfully submit that previously presented claims 1-2, 4-10, 15, 20-24, 29, 31-35, 38, 40-41 and 43-51 also contain allowable subject matter.

#### Certificate of Correction:

Applicants have attached a copy of the Certificate of Correction issued for U.S. Patent No. 6,365,254. The corrections shown in the Certificate of Correction have been incorporated into page 6, column 7 of the reissue specification. A substitute page 6 is attached. Applicants respectfully request replacement of originally submitted page 6 with the attached substitute page 6.

### II. Prior Art Rejections:

#### Rejection of Previously Presented Claims 1-2, 7-9, 22-24, 31-32, 35, 38, 40-41 and 47-50 Under 35 U.S.C. §103(a) In View Of U.S. Patent No. 5,178,924 (Johnson1)

Previously presented claims 1-2, 7-9, 22-24, 31-32, 35, 38, 40-41 and 47-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,178,924 issued to Johnson et al. (hereinafter, "Johnson1"). This rejection is respectfully traversed.

The teaching of Johnson1 discloses a fiber-reinforced release liner comprising (i) a support sheet having two or more fiber-containing layers, and (ii) a release layer on one or more of the layers of the support sheet. In column 5, lines 2-24, Johnson1 discloses the use of the disclosed release liner in combination with a dual-functional tape comprising a pressure-sensitive adhesive (PSA) layer on one side and a heat-activated adhesive (HAA) on the other side, wherein the PSA layer is in contact with the release layer of the disclosed release liner, and a back surface of the support sheet of the disclosed release liner is in contact with an outer surface of the HAA layer. In this embodiment, Johnson1 discloses the use of a release liner comprising an ethylene/acrylic acid mixture containing tackifiers on a polyethylene support layer in order to improve tack between the polyethylene support layer and olefin-based HAAs. See, column 5, lines 19-24.

As noted by Examiner Ahmad, Johnson1 fails to teach a release liner comprising a roll stability layer comprising ethylene vinyl acetate (EVA) as recited in independent claims 1, 22, 35, 38, 40 and 47. Examiner Ahmad specifically states on page 2, line 20 to page 3, line 6 of the September 16, 2005 Office Action:

Johnson relates to an adhesive tape assembly comprising a double-sided adhesive tape with one side of pressure sensitive adhesive (PSA) and the opposite side having heat-activated adhesive (HAA). The tape is in a roll form with the PSA in contact with the release liner or the support sheet front side and the back side of the release liner is in contact with the HAA (col. 5, lines 1-12). The backside of the release liner is provided with a layer containing ethylene acrylic acid (EAA) to provide for roll stability (col. 5, lines 15-24). Johnson fails to teach that the backside stability layer is ethylene vinyl acetate (EVA). However, Johnson discloses, in col. 4, lines 54-65, that the release material can be EAA or EVA. Therefore, it would have been obvious to one having ordinary skill in the art to use EVA as the release material, instead of EAA, because the two are functionally equivalent as the friction reducing release material and would provide for roll stability.

Applicants note that in this embodiment of Johnson1, a mixture of ethylene and acrylic acid with tackifiers, not ethylene acrylic acid (EAA) with tackifiers, is provided on a back surface of a polyethylene support layer to improve friction between a polyethylene support sheet and an olefin-based HAA layer. Johnson1 does not teach, disclose or suggest a release liner

comprising a polyethylene support sheet in combination with an ethylene acrylic acid (EAA) release layer as suggested by examiner Ahmad.

Applicants respectfully submit that Johnson1 fails to teach, disclose or suggest to one skilled in the art an adhesive tape assembly comprising a roll stability layer, wherein the roll stability layer comprises ethylene vinyl acetate (EVA) as recited in independent claims 1 and 40. Further, Applicants respectfully submit that Johnson1 fails to teach, disclose or suggest to one skilled in the art a release liner comprising a roll stability layer, wherein the roll stability layer comprises ethylene vinyl acetate (EVA) as recited in independent claims 22, 35, 38, and 47. Although Johnson1 discloses ethylene vinyl acetate (EVA) as a suitable release material, Johnson1 does not disclose a release liner having a roll stability layer comprising ethylene vinyl acetate (EVA) in combination with a release layer.

The teaching of Johnson1 fails to provide any suggestion or motivation to one of ordinary skill in the art of the need to modify the disclosed dual-functional tape of Johnson1 in order to obtain a release liner comprising a roll stability layer comprising ethylene vinyl acetate (EVA). There is no suggestion in Johnson1 of the need to incorporate ethylene vinyl acetate (EVA) into a roll stability layer of a release liner so that the resulting roll stability layer provides a desired degree of contact between an outer surface of the resulting roll stability layer and an outer surface of a heat-activated adhesive (HAA) layer of a dual-functional adhesive tape.

Regarding independent claim 22, Applicants note that Johnson1 fails to teach, disclose or suggest to one skilled in the art a release liner in combination with a double-sided adhesive tape, wherein the release liner comprises (i) a release layer comprising a polyolefin homopolymer in combination with (ii) a roll stability layer comprising ethylene vinyl acetate. The only disclosure in Johnson1 of a multi-layer release liner construction is in Comparative Example C2, which discloses a release liner formed from (i) a 0.018 mm thick layer of high density polyethylene, (ii) a 0.07 mm thick layer of medium density polyethylene, and (iii) a 0.018 mm thick layer of low density polyethylene. There is no suggestion or motivation in Johnson1 to modify the disclosed multi-layer release liner in order to substitute a layer containing ethylene vinyl acetate (EVA) for one of the outer layers of polyethylene, and then combine the resulting multi-layer release liner with a double-sided adhesive tape.

Regarding independent claim 35, Applicants note that Johnson1 fails to teach, disclose or suggest to one skilled in the art a release liner in combination with a double-sided adhesive tape, wherein the release liner comprises (i) a release layer comprising a low density polyethylene, a linear low density polyethylene, or an ultra-low density polyethylene in combination with (ii) a roll stability layer comprising ethylene vinyl acetate. As discussed above, the only disclosure in Johnson1 of a multi-layer release liner construction is the release liner of Comparative Example C2. There simply is no suggestion or motivation in Johnson1 to modify the disclosed multi-layer release liner in order to substitute a layer containing ethylene vinyl acetate (EVA) for one of the outer layers of polyethylene, and then combine the resulting multi-layer release liner with a double-sided adhesive tape.

Regarding independent claim 38, Applicants note that Johnson1 fails to teach, disclose or suggest to one skilled in the art a release liner comprising (i) a release layer comprising a polyolefin coated with an outer layer of silicone or fluorocarbon release material in combination with (ii) a roll stability layer comprising ethylene vinyl acetate. It should be noted that Johnson1 actually teaches away from the use silicone release materials in column 4, lines 29-40. Further, it should be noted that Johnson1 fails to teach, disclose or suggest the use of fluorocarbon release material, or the need to augment the release properties of the disclosed release materials (e.g., homopolymers and copolymers of olefins) by the addition of a fluorocarbon release material coating.

Regarding independent claim 47, Applicants note that Johnson1 fails to teach, disclose or suggest to one skilled in the art a roll stable liner in combination with a double-sided adhesive tape, wherein the roll stable liner comprises (i) a first exposed contact surface comprising a polyolefin homopolymer bondable to and removable from a pressure sensitive adhesive layer in combination with (ii) a roll stability layer comprising ethylene vinyl acetate. As discussed above, Johnson1 discloses polyolefin homopolymer and ethylene vinyl acetate as suitable release materials, but fails to disclose these materials in combination with one another to form a roll stable liner in combination with a double-sided adhesive tape as recited in independent claim 47. There is no suggestion or motivation in Johnson1 to combine a layer

containing ethylene vinyl acetate (EVA) with a layer containing a polyolefin homopolymer, and then combine the resulting release liner with a double-sided adhesive tape.

For at least the reasons given above, Applicants respectfully submit that the proposed modification of Johnson1 as suggested by Examiner Ahmad is not taught, disclosed or suggested in the teaching of Johnson1. Applicants respectfully submit that the proposed modification of Johnson1 is improper, and that Examiner Ahmad has failed to make a *prima facie* case of obviousness based on the teaching of Ahmad. The teaching of Johnson1 fails to make obvious Applicants' claimed invention as recited in independent claims 1, 22, 35, 38, 40 and 47. Since claims 2, 7-9, 23-24, 31-32, 41 and 48-50 depend from independent claims 1, 22, 40 and 47 and recite additional claim features, the teaching of Johnson1 also fails to make obvious Applicants' claimed invention as recited in dependent claims 2, 7-9, 23-24, 31-32, 41 and 48-50. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Previously Presented Claims 6, 10, 16, 20-21, 29, 33-34 and 45-46 Under 35 U.S.C. §103(a) In View Of Johnson1 and Further In View of U.S. Patent No. 5,167,995 (Johnson2)

Previously presented claims 6, 10, 16, 20-21, 29, 33-34 and 45-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson1 in view of U.S. Patent No. 5,167,995 issued to Johnson et al. (hereinafter, "Johnson2"). This rejection is respectfully traversed.

Applicants note that claim 16 has been indicated as containing allowable subject matter. The Office Action Summary, page 1 of the September 16, 2005 Office Action, indicates that previously provided claim 15 is rejected, and claim 16 is objected to; however, previously provided claim 15 is not rejected on any of pages 2-6 of the Office Action. For this reason, Applicants believe the group of claims, namely claims 6, 10, 16, 20-21, 29, 33-34 and 45-46, should actually be claims 6, 10, 15, 20-21, 29, 33-34 and 45-46.

The teaching of Johnson2 discloses release liners comprising (i) a support sheet 12, (ii) a face layer 14 (i.e., release layer) on one outer surface of support sheet 12, and (iii) and optional friction-enhancing layer 16 on an outer surface of support sheet 12 opposite face layer 14. See, for example, FIG. 1. In column 4, lines 36-62, Johnson2 discloses the use of one disclosed release liner in combination with a dual-functional tape comprising a pressure-sensitive

adhesive (PSA) layer on one side and a heat-activated adhesive (HAA) on the other side, wherein the PSA layer is in contact with the face layer (i.e., release layer) of the disclosed release liner, and a back surface of the support sheet of the disclosed release liner is in contact with an outer surface of the HAA layer. In this embodiment, Johnson2 discloses the use of a friction-enhancing layer comprising an ethylene/acrylic acid mixture containing tackifiers on a polyethylene support layer in order to improve tack between the polyethylene support layer and olefin-based HAAs. See, column 4, lines 54-62.

Like the teaching of Johnson1, the teaching of Johnson2 fails to teach, disclose or suggest to one skilled in the art an adhesive tape assembly comprising a roll stability layer, wherein the roll stability layer comprises ethylene vinyl acetate (EVA) as recited in independent claims 1, 15 and 40. Since claims 6, 10, 20 and 45-46 depend from independent claims 1 and 40 and recite additional claim features, the proposed combination of Johnson1 with Johnson2, even if proper, fails to teach, disclose or suggest Applicants' claimed invention as recited in claims 6, 10, 20 and 45-46.

In addition it should be noted that each of Johnson1 and Johnson2 fails to teach, disclose or suggest to one skilled in the art a release liner of an adhesive tape assembly comprising a roll stability layer, wherein the roll stability layer comprises ethylene vinyl acetate (EVA) in combination with an anti-blocking agent as recited in independent claim 15 and 29. Regarding the rejection of these claims, Examiner Ahmad states on page 3, line 16 to page 4, line 2 of the September 16, 2005 Office Action:

Antiblocking material is contained in the release material (col. 11, lines 15-23). Therefore, it would have been obvious to one having skill in the art to utilize Johnson'995's teaching of using antiblocking agent in the release liner in the invention of Johnson with the motivation to provide for releasability of the release liner from the HAA while maintaining roll stability.

Applicants disagree.

Applicants note that the only disclosure of Johnson2 using an anti-blocking agent is a release liner formed in Example 21, wherein an anti-blocking agent is incorporated into a low density polyethylene layer. Applicants respectfully submit that Johnson2 does not suggest the use of an anti-blocking agent in a layer containing ethylene vinyl acetate (EVA), but only

suggests the use of an anti-blocking agent in a low density polyethylene layer. See, for example, Examples 1-20, which disclose the use of an ethylene vinyl acetate (EVA) layer without an anti-blocking agent.

Regarding independent claim 21, Examiner Ahmad states on page 4, lines 3-6 of the September 16, 2005 Office Action:

With regard to the tape outer circumferential diameter being at least 20 times the width, it would have been obvious to one having ordinary skill in the art to modify Johnson by providing the roll diameter to be at least 20 times the width of the tape, based on optimization through routine experimentation, with the roll stability layer therewith.

Applicants disagree.

Applicants note that each of Johnson1 and Johnson2 fails to teach, disclose or suggest to one skilled in the art an adhesive tape assembly in roll form, wherein the adhesive tape assembly comprises a roll stability layer having a contact surface with a coefficient of friction that provides an increased roll stability to the adhesive tape assembly so that the roll, having a width, an outer circumferential edge, and a diameter that is at least about 20 times the width, does not fall apart when held suspended along the outer circumferential edge as recited in independent claim 21. There is no suggestion in either of Johnson1 or Johnson2 of such an adhesive tape assembly or the desirability of such an adhesive tape assembly. As stated by the Court in *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990), "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (In *Mills*, claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *Id.* at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

For at least the reasons given above, Applicants respectfully submit that the proposed combination of Johnson1 with Johnson2 and the proposed modification of Johnson1 is improper, and that Examiner Ahmad has failed to make a *prima facie* case of obviousness based on the teaching of Johnson1 in combination with the teaching of Johnson2. The proposed combination of Johnson1 with Johnson2 fails to make obvious Applicants' claimed invention as recited in independent claims 1, 15, 21, 29 and 40. Since claims 6, 10, 20, 33-34 and 45-46 depend from independent claims 1, 29 and 40 and recite additional claim features, the proposed combination of Johnson1 with Johnson2 also fails to make obvious Applicants' claimed invention as recited in dependent claims 6, 10, 20, 33-34 and 45-46. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Previously Presented Claims 4-5 and 43-44 Under 35 U.S.C. §103(a) In View Of Johnson1 Further In View of U.S. Patent No. 6,037,028 (Reinders)

Previously presented claims 4-5 and 43-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson1 in view of U.S. Patent No. 6,037,028 issued to Reinders (Reinders). This rejection is respectfully traversed.

Like the teaching of Johnson1, Reinders fails to teach, disclose or suggest fails to teach a release liner or an adhesive tape assembly comprising a roll stability layer, wherein the roll stability layer comprises ethylene vinyl acetate (EVA) as recited in independent claims 1 and 40.

For at least the reasons given above with regard to the teaching of Johnson1, Applicants respectfully submit that the proposed combination of Johnson1 and Reinders, even if proper (and Applicants submits that the proposed combination is not proper given the divergent technologies), fails to teach, disclose or suggest Applicants' claimed adhesive tape assembly as recited in independent claims 1 and 40. Since claims 4-5 and 43-44 depend from independent claims 1 and 40 and recite additional claim features, the proposed combination of Johnson1 and Reinders also fails to make obvious Applicants' claimed invention as recited in dependent claims 4-5 and 43-44. Accordingly, withdrawal of this rejection is respectfully requested.



III. New Claim 55:

New claim 55 depends from presently presented independent claim 21. Support for new claim 55 may be found in at least the following locations of Applicants' original specification: page 3, lines 19-20, page 6, line 29 to page 7, line 11, and page 10, lines 5-14.

Applicants respectfully submit that new claim 55 is patentable over the art of record for at least the reasons given above.

IV. Conclusion:

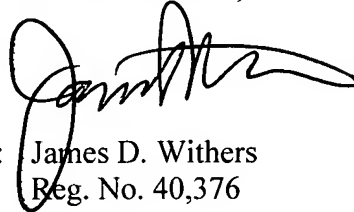
Applicants respectfully submit that claims 1-53 and 55 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 503025.

Should Examiner Ahmad believe that anything further is necessary to place the application in better condition for allowance, Examiner Ahmad is respectfully requested to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

WITHERS & KEYS, LLC



By: James D. Withers  
Reg. No. 40,376

WITHERS & KEYS, LLC  
P.O. Box 2049  
McDonough, Georgia 30253  
678-565-4748

Attorney Docket No. 53766US010